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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,289	06/30/1999	SRIDHAR SRINIVASA IYENGAR	04MV1073	1050

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/06/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/345,289

Applicant(s)

IYENGAR, SRIDHAR SRINIVASA

Examiner

Charles E Anya

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are pending in this application.
2. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriate, on pages 1-2; The entire specification should be so revised).

Response to Arguments

3. The declaration filed on 6/2/03 under 37 CFR 1.132 has been considered but is ineffective to overcome the Brodsky reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Brodsky reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Brodsky reference to either a constructive reduction to practice or an actual reduction to practice.

The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the Brodsky reference. [see MPEP 715.07].

Pursuant to MPEP 715.07 therefore, applicant is required to file an affidavit or declaration under 37 CFR 1.131 and establish diligence from a date prior to the date of reduction of practice of the Brodsky reference.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1-17 rejected under 35 U.S.C. 102(a) as being anticipated by “XMI Opens Application Interchange” to Brodsky (pages 1 – 12).**

6. As to claim 1, Brodsky teaches a method for effecting data interchange between software tool and a repository, the software tool and the repository being included in a computer system and coupled together in a distributed heterogeneous environment (Figure 1a page 1 lines 5 – 23, figure 5 page 6 lines 11 – 20, Figure 8 “...round trip exchange...” page 10 lines 28 – 40), the method comprising the steps of: a registering and storing metadata describing a meta-model in the repository (“...UML auto model...”

page 6 lines 11 – 13, "...stored..." page 10 lines 29 – 40), generating a set of rules corresponding to the metadata ("...XMI generation rules..." page 3 lines 12 – 21, page 4 lines 1 – 39, XMI Generation Rules page 5 lines 11 – 23, "XMI's rules for DTD..." page 6 lines 14 – 20, page 7 lines 1 – 41), generating a stream of data representing a document corresponding to the meta-model based on the set of rules ("...document generation..." page 5 lines 11 – 14, figure 5 page 6 lines 11 – 13), transmitting from the repository the stream of data, using an exporter module and receiving at the software tool the transmitted stream of data, using an importer module (page 10 lines 29 – 40).

7. As to claim 2, Brodsky teaches the method as in Claim 1 wherein the repository is MOF-compliant (MOF page lines 17 – 21).

8. As to claim 3, Brodsky teaches the method as in Claim 1 wherein the software tool is compliant to UML standard ("...UML tools..." page 1 lines 11 – 15, "...UML design..." page 10 lines 29 – 40).

9. As to claim 4, Brodsky teaches the method as in Claim 1 wherein the set of rules is XML Document Type Definitions corresponding to the metadata ("...XMI generation rules..." page 3 lines 12 – 21, page 4 lines 1 – 39, XMI Generation Rules page 5 lines 11 – 23, "XMI's rules for DTD..." page 6 lines 14 – 20, page 7 lines 1 – 41).

10. As to claim 5, Brodsky teaches the method as in Claim I wherein the stream of data conforms to XML Metadata Interchange standard ("...document generation..." page 5 lines 11 – 14, figure 5 page 6 lines 11 – 13).

11. As to claims 6,11,12,13 and 15 – 17, see the rejection of claim 1.

12. As to claim 7, see the rejection of claim 2.

13. As to claims 8 and 14, see the rejection of claim 3.

14. As to claim 9, see the rejection claim 4.

15. As to claim 10, see the rejection of claim 5.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2126



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SUPERVISORY PATENT EXAMINER
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Cea.